

**Remarks**

***Claim Rejections***

**35 U.S.C. 102(b)**

The Examiner has rejected to claims 36, 42, 48, 57-61, 63-66 under 35 U.S.C. 102(b), as being anticipated by Pechner (4,337,737). The applicant has amended independent claims 56, 57, 64 and 65 to better define that which the applicant regards as the invention. In addition, applicant has added independent claims 67- 69.

Regarding claim 56, applicant has added the claim limitation "...wherein a baffle is in at least one of said top or bottom members..." Thus making the present invention patentably distinguishable from the above cited art reference. The above cited prior art reference, Pechner, has the baffle located in a side member, see Fig. 5.

Regarding claim 57, applicant has added claim limitation "...and wherein there is a baffle located in said tubular member, said baffle and said center bar do not contact each other..." Thus making the present invention patentably distinguishable from the above cited art reference. The above cited prior art reference, Pechner, has the baffle located in a side member that contacts a portion of the center bar, see Fig. 5.

Regarding claim 64, applicant has added claim limitation "...and wherein said bottom member has a baffler located thereto..." Thus making the present invention patentably distinguishable from the above cited art reference. The above cited prior art reference, Pechner, has the baffle located in a side member that contacts a portion of the center bar, see Fig. 5.

Regarding claim 65, applicant has added claim limitation "...and wherein there is a baffle located in said tubular member, said baffle and said center bar do not contact each other..." Thus making the present invention patentably distinguishable from the above cited art reference. The above cited prior art reference, Pechner, has the baffle located in a side member that contacts a portion of the center bar, see Fig. 5.

Regarding new claims 67, applicant has combined claim 56 with all the claim limitations of claims 51 and 50.

Regarding claims 68, applicant has combined claim 57 with all the claim limitations of claims 37 and 36.

Regarding claims 69, applicant has combined claim 57 with all the claim limitations of claims 62 and 61.

Since the amended independent claims and newly presented claims are patentably distinguishable from the above cited prior art they and any claims that depend therefrom should be in condition for allowance.

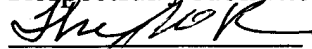
### **35 U.S.C. 103**

Although not brought up in the present office action, an obviousness rejection under 35 U.S.C. 103 deserves review. The above cited prior art does not teach or suggest of a baffle that is located in a bottom member. Moreover, the above cited prior art does not teach or suggest of a baffle that does not contact a portion the center member. To modify Pechner would destroy the Pechner invention for its intended use as the location of the baffle in Pechner is key to the operation of the Pecher device.

**Conclusion**

For the foregoing reasons, applicants claims are patentable over the cited prior art and the application should be in condition for allowance.

Respectfully submitted,



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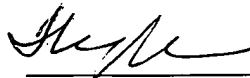
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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Response was mailed by first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 on this 15 day of September, 2006.



Thomas A. O'Rourke